

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TERRANCE JOE QUINLAN,

Petitioner,

v.

JOHN DIAZ,

Respondent.

CASE NO. 22-CV-00605-LK

ORDER ADOPTING REPORT AND
RECOMMENDATION

This matter comes before the Court on United States Magistrate Judge Michelle L. Peterson's Report and Recommendation. Dkt. No. 11. Having reviewed this document, the remaining record, and the applicable law, the Court adopts the Report and Recommendation and dismisses Mr. Quinlan's habeas petition with prejudice.

In May 2022, *pro se* petitioner Terrance Joe Quinlan filed a section 2254 habeas petition challenging his October 2015 state sentence for felony violation of a domestic violence court order. Dkt. No. 6 at 1. He alleges that his sentence for that offense, which exceeds 60 months, surpasses the statutory maximum allowed under Washington law for a Class C felony and therefore amounts

1 to cruel and unusual punishment in violation of the Eighth Amendment. *Id.* at 5. Mr. Quinlan asks
 2 the Court to vacate his conviction and order him released from confinement. *Id.* at 15.

3 Judge Peterson recommended that the Court deny Mr. Quinlan’s petition with prejudice as
 4 time-barred or, alternatively, to deny it without prejudice for failure to exhaust state-court
 5 remedies. Dkt. No. 11 at 3. She also recommended denying a certificate of appealability. *Id.* at 3–
 6 4; see 28 U.S.C. § 2253(c); *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Mr. Quinlan did not
 7 file objections.¹

8 The Court reviews findings and recommendations “*if objection is made*, but not otherwise.”
 9 *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (emphasis original).
 10 No objections having been filed, the Court ADOPTS Judge Peterson’s Report and
 11 Recommendation, Dkt. No. 11, and DISMISSES with prejudice Mr. Quinlan’s habeas petition,
 12 Dkt. No. 6. The Court further DENIES a certificate of appealability. The Clerk is directed to send
 13 uncertified copies of this Order to Mr. Quinlan at his last known address.

14 Dated this 20th day of July, 2022.

15 

16 Lauren King
 17 United States District Judge
 18
 19
 20

21 ¹ The only documents Mr. Quinlan filed subsequent to the Report and Recommendation were the State’s March 2022
 22 sentencing memorandum from a subsequent prosecution against him and a forensic psychological evaluation. Dkt.
 23 No. 12. The sentencing memorandum indicates that the State relied on his domestic violence conviction, among other
 24 convictions, to calculate Mr. Quinlan’s offender score. *Id.* at 5–6. The psychological evaluation states that, following
 another domestic violence conviction stemming from incidents that occurred on October 1, 2020, Mr. Quinlan may
 be sentenced up to 300 to 378 months “[b]ecause of an extensive history of prior convictions.” *Id.* at 10. The documents
 do not otherwise appear connected to Mr. Quinlan’s October 2015 sentence, and Mr. Quinlan did not include any
 explanation of the import of these documents with his submission.